

REMARKS

Applicant hereby requests entry of the Amendment After Final Action and the accompanying Request For Continued Examination as timely since applicant would have filed such Request had the Patent Office responded to the Amendment After Final timely filed on August 25, 2003 within the Statutory Period. Applicant was not given the opportunity to respond to the Advisory Action until after the completion of the Statutory Period due to delay by the USPTO.

Applicant complied with each and every aspect of the Expedited procedure under M.P.E.P. § 714.13 and should have received the Advisory Action no later than September 25, 2003, or at the very least before the expiry of the statutory period on October 25, 2003. However, the Advisory Action was not even mailed until after the statutory period expired, necessitating the instant Response/Petition.

NO ABANDONMENT NOTICE

Applicant has not been notified that the instant application has been abandoned. (M.P.E.P. §711.03). Hence, Applicant cannot request a reconsideration of a holding of abandonment as no such holding has been received.

However, to the extent that any such holding is pending, and to the extent that it is outside the scope of the USPTO to enter the amendment on other grounds, Applicant hereby requests this Response be treated as a Petition under 37 C.F.R. § 1.137(b) to the revive the application as unintentionally abandoned. It is submitted that this Response complies with the requirements of such petition as it includes:

- (1) A reply to the Final Office Action;

- (2) An authorization to charge the petition fee under 37 C.F.R. § 1.17(m) to the below noted deposit account;
- (3) The undersigned hereby states that the entire delay in filing the required reply form the due date until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) is unintentional; and
- (4) A terminal disclaimer which may be required under 37 C.F.R. § 1.137(b).

The fee for the RCE as set forth in 37 C.F.R. § 1.17 is provided by the enclosed check in the amount of \$385.00.

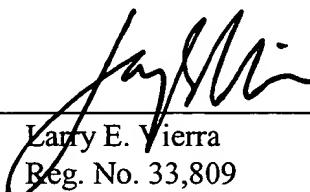
To the Extent required, Applicants hereby request and petition for any Extension of Time necessary for submitting a response under 37 C.F.R. § 1.136.

Should any additional fees be required, including any petition or extension fee, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response which may be required.

Respectfully submitted,

Date: December 15, 2003

By: _____


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